

Report to Council



Date: June 28, 2021

To: Council

From: City Manager

Subject: Southern Interior Bylaw Adjudication Registry Agreement – Addition of Regional District of North Okanagan (RDNO)

Department: Community Safety Department – Bylaw Services

Recommendation:

THAT Council approves the addition of the Regional District of the North Okanagan (RDNO) to the Southern Interior Bylaw Notice Dispute Registry Agreement Bylaw;

AND THAT the Mayor and City Clerk be authorized to execute the necessary documents to add the RDNO to the Southern Interior Bylaw Notice Dispute Registry Agreement.

Purpose:

To add the RDNO as a party to the Southern Interior Bylaw Notice Dispute Adjudication Registry Agreement.

Background:

In October 2003, the Province of British Columbia enacted legislation providing an alternative approach for processing and resolving minor bylaw infractions, the *Local Government Bylaw Notice Enforcement Act*.

Prior to the *Local Government Bylaw Notice Enforcement Act* (the Act), there were three main strategies used by local governments to deal with a problem:

1. Seek voluntary compliance;
2. Issue a traffic "offence notice" for various offences seeking voluntary payment of a prescribed fine; or
3. Initiate formal court proceedings by issuing a Municipal Ticket Information (MTI) or swearing an Information and issuing a Summons.

Over the past fifteen years, there have been various calls for bylaw reform with respect to enforcement and prosecution. Calls for reform have come from the Union of British Columbia Municipalities (UBCM), the Hughes Commission on Access to Justice and the Chief Judges' Task Group on Sitting Justices of the Peace. In response to these calls, the Province enacted the *Local Government Bylaw Notice Enforcement Act*.

Under the Act, local governments may establish a local government bylaw dispute adjudication system, more simply known as an adjudication system, which replaces the Provincial Court as the venue for resolving disputes of minor municipal bylaw breaches.

An initiative, led by the City of Kelowna, involving nine Okanagan local governments resulted in the Southern Interior Bylaw Notice Dispute Registry being established in January 2011.

SOUTHERN INTERIOR BYLAW NOTICE ADJUDICATION

The Southern Interior Bylaw Notice Dispute Registry is authorized by the Province to operate as a dispute resolution forum for handling minor bylaw offence ticket disputes. While there is one combined system for all of the participating local governments, each maintains their own bylaws, penalties, and policies with respect to compliance with the bylaws. The Bylaw Notice Dispute Adjudication System allows municipalities to deal with bylaw ticket disputes for minor infractions at the local level more effectively than through the Provincial Court system and offers a more streamlined process for paying and collecting fines.

In British Columbia, anyone wishing to dispute a minor bylaw violation (i.e., parking ticket) prior to 2003 was required to appear in BC Provincial Court; an expensive and time-consuming process for the disputant, the Provincial Court System, and the local municipality. In 2003, the Province enacted the *Local Government Bylaw Notice Enforcement Act* which enables local governments to establish a local bylaw dispute adjudication system.

In 2011, the City of Kelowna initiated the Southern Interior Bylaw Notice Dispute Registry with nine Okanagan local governments; a partnership that, with the addition of the Regional District of North Okanagan, will have expanded to ten.

Central Okanagan Regional District	District of Peachland
City of Penticton	District of Summerland
City of Vernon	Town of Oliver
City of West Kelowna	Town of Enderby
District of Coldstream	Reg. District of Okanagan Similkameen
District of Lake Country	Reg. District of North Okanagan (PENDING)

Recently, the Regional District of North Okanagan applied to the province, received approval, and seeks to be added to this Registry.

The budget for the Southern Interior Bylaw Notice Dispute Registry is cost recovered from all participating agencies, based on their population collected from BC statistics. Costs include eight (8) ½ day and six (6) full day hearings. Other costs include: City of Kelowna Bylaw Officer hearing attendance, Adjudication Coordinator's salary, phone/communications, postage, office supplies, and other contingencies.

Conclusion:

Staff requests that Council approve the addition of the Regional District of North Okanagan to the Southern Interior Bylaw Notice Dispute Registry Agreement Bylaw.

Internal Circulation:

Divisional Director, Corporate & Protective Services
Divisional Director, Financial Services
Community Safety Director
City Clerk

Considerations not applicable to this report:

Legal/Statutory Authority:

Legal/Statutory Procedural Requirements:

Existing Policy:

Financial/Budgetary Considerations:

External Agency/Public Comments:

Communications Comments:

Submitted by: D. Gazley, Bylaw Services Manager

Approved for inclusion: S. Leatherdale, Division Director – Corporate & Protective Services

cc: